

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ROBERT F. CALDWELL, #933046

§

VS.

§

CIVIL ACTION NO. 6:14cv769

TEXAS BOARD OF PARDONS AND
PAROLES

§

ORDER OF DISMISSAL

Plaintiff Robert F. Caldwell, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. He complains that the Texas Board of Pardons and Paroles refuses to give him a clemency hearing. The cause of action was directly assigned to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the lawsuit was improvidently filed because Plaintiff did not show that he had satisfied the sanctions imposed by the Fifth Circuit in *Caldwell v. Quarterman*, No. 07-40780 (5th Cir. 2007), *cert. denied*, 553 U.S. 1081 (2008). Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of objections raised by Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Plaintiff are without merit. It is specifically noted that the Fifth Circuit mandated that “the clerks of all federal district courts within this circuit are directed to refuse to file any pro se complaint or appeal from

Caldwell unless he submits proof of satisfaction of the \$300 in sanctions.” *Id.* Plaintiff did not show that he has paid the sanctions imposed against him; thus, this Court should not have filed his lawsuit. Magistrate Judge Mitchell correctly concluded that the lawsuit was improvidently filed. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the civil rights complaint is **DISMISSED** without prejudice in accordance with the sanctions imposed by the Fifth Circuit. All motions not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 27th day of October, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE